



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

COPY MAILED

MAY 14 2009

OFFICE OF PETITIONS

In re Patent No. 6,933,378
Issue Date : August 23, 2005
Application No. 09/911,732
Filed: July 25, 2001
Patentee(s): Joseph Atabekov, et al.

:
:
:
:

NOTICE

The above-identified patent has been referred to the Office of Petitions for consideration of a communication filed March 6, 2009 by Haynes and Boone, LLP. The communication is being treated as a request under 37 CFR 1.128(c), as it includes authorization to charge a maintenance fee deficiency and a letter indicating that applicants are no longer entitled to claim status as a small entity. It is noted that the request is not signed in accordance with 37 CFR 1.33(b).¹

At present, the request is DISMISSED.

This decision is made without prejudice to reconsideration. However, any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this notice. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Request under 37 CFR 1.28(c)."

In addition, the renewed request to accept a deficiency in the fee payment under 37 CFR 1.28(c), must (1) be properly signed by a responsible party pursuant to 37 CFR 1.33(b); (2) identify when small entity status was lost and (3) explain why proper notification, as required by 37 CFR 1.27(g)(2), was not provided. See 37 CFR 1.28(c).

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

¹37 CFR 1.33(b) states:

Amendments and other papers filed in the application must be signed by:

An attorney or agent of record appointed in compliance with §1.34(b);

A registered attorney or agent not of record who acts in a representative capacity under the provisions of §1.34(a);

The assignee of record of the entire interest, if there is an assignee of record of the entire interest;

An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undivided part interest; or

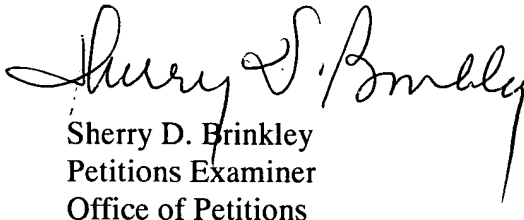
All of the applicants (§§ 1.42, 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73.

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By Internet: EFS-Web²

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.



Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: HAYNES AND BOONE, LLP
ATTORNEYS AND COUNSELORS
2505 N PLANO ROAD, SUITE 4000
RICHARDSON, TX 75082-4101

² www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)